

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 2, 2009

D052892 Warwick et al. v. Promote La Jolla, Inc.

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately.

D050112 Paduano v. American Honda Motor Company, Inc.

Appellant's petition for rehearing is denied.

D052998 People v. Prodigalidad

The judgment is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., Irion, J.

D053831 People v. G.

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.

D050753 Williams et al. v. Nidek Co. LTD., et al.

The purported appeal of the order granting summary adjudication is dismissed. The order denying certification of the class is affirmed. Defendants shall recover costs on appeal. McDonald, J.; We Concur: McConnell, P.J., McIntyre, J.,

D053615 Cooley v. Predicate Logic Inc., et al.

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).) Each party to bear own costs on appeal.

D050793 Haddada v. Coldwell Banker Residential Brokerage Company

The petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE
February 3, 2009

Oral argument took place at UCSD -- convening at 10:00 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Alex McDonald and Joan Irion

D052448 People v. Jenkins

Cause called on merits. Paul R. Ward, Esq. argued for appellant. Lynne McGinnis, Deputy Attorney General argued for respondent. Mr. Ward replied. Cause submitted.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Judith Haller and Cynthia Aaron

D052382 County of San Diego v. 1560 N. Magnolia Avenue

Cause called on merits. Bradley J. Shafer, Esq. argued for appellant. Carra L. Rhamy, Esq. argued for respondent. Mr. Shafer replied. Cause submitted.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and James McIntyre

D050284 Taxpayers for Responsible Land Use et al. v. City of San Diego et al.

Cause called on merits. Carmen A. Brock, Esq. argued for appellant, City. Suzanne R. Varco, Esq. argued for appellant, City. Dennis Cosmo Crovella, Esq. argued for real party in interest and appellant, Hillel of San Diego. Todd Trevor Cardiff, Esq. argued for appellant, Taxpayers for Responsible Land Use. Cause submitted.

D052011 In re Orozco on Habeas Corpus

The Governor's decision reversing the Board's 2006 decision granting Orozco parole is vacated. The Board's 2006 decision granting Orozco parole is reinstated and respondent is ordered to release Orozco subject to the conditions set forth in the Board's 2006 decision and any applicable federal immigration hold. McConnell, P.J.; We Concur: Nares, J., McDonald, J.

D053700 In re Jasmine S., a Juvenile

The judgment is affirmed. Benke, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

D052677 People v. Hassan

The judgment is affirmed. Irion, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D053288 People v. Cruz

The judgment is affirmed. McConnell, P.J.; We Concur: Huffman, J., Nares, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 3, 2009 (Continued)

D053378 In re Deborah Y., a Juvenile

The judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D051482 Sukumar v. Med-Fit Systems Inc., et al.

The judgment in Med-Fit's favor is reversed as to the breach of contract and negligent misrepresentation claims against it. The judgment in Nautilus's favor is reversed as to the inducing breach of contract claim against it. The matter is remanded for a new trial on Sukumar's: (a) breach of contract claim against Med-Fit, limited to the issue of the Next Generation equipment and any damages; (b) negligent misrepresentation claim against Med-Fit; and (c) inducing breach of contract claim against Nautilus. The order granting summary adjudication in favor of Nautilus on Sukumar's breach of contract claims is affirmed. The order granting summary adjudication in favor of Med-Fit on Sukumar's "claim" for specific performance is reversed and Sukumar is entitled to present this theory of recovery to the jury. In all other respects, the judgment is affirmed, as is the order denying Sukumar's new trial motion. Each party shall bear their own costs on appeal. McIntyre, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D051711 Mendoza et al. v. Mayer Roofing, Inc.

The judgment is reversed and the matter is remanded with directions to the superior court to vacate its decision granting Mayer's motion for judgment on the pleadings and dismissing the Plaintiffs' class action allegations and enter a new order denying that motion and for further proceedings consistent herewith. The Plaintiffs are entitled to recover their costs on appeal. McIntyre, Acting P.J.; I Concur: Aaron, J.; I Dissent: O'Rourke, J. (opinion)

D053285 Canam Properties, LLC v. Ryland Homes of California Inc., et al.

Upon written stipulation filed by the parties to the appeal and cross-appeal, the appeals are dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).) Each party to bear own costs on appeal.

D054296 Jennifer N. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 4, 2009

D054142 In re Carter E., a Juvenile

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.

D051864 Fowler v. La Salle Bank N.A.

The judgment is affirmed. Each party shall bear its own costs on appeal. (Cal. Rules of Court, Rule 8.278(a)(1) & (5).)

D052761 In re Luis M., a Juvenile

Judgment affirmed. Haller, J.; Nares, Acting P.J., McIntyre, J.

D054040 People v. Nichols

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is DISMISSED and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)

D052828 People v. Brandt, Jr.

The judgment is affirmed. Aaron, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D053922 Snyder v. Workers' Compensation Appeals Board et al.

The petition is denied.

D053631 In re Rodriguez on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 5, 2009

D050954 People v. Vasquez

Judgment affirmed. Benke, Acting P.J.; We Concur: McDonald, J., Irion, J.

D053943 Wendie E. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Aaron, J.; We Concur: Benke, Acting P.J., Irion, J.

D051507 People v. Ramirez

The judgment is affirmed. McConnell, P.J.; I Concur: Nares, J.; concurring and dissenting opinion: Huffman, J.

D054397 Angela G. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency.

The attorney for petitioner Francisco A. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case as to Francisco A. is dismissed.

D053539 In re Kaitlyn X., a Juvenile

The appeal is dismissed. Haller, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D053832 People v. Roberts

Appellant has failed to file a brief after notice given. The appeal is dismissed.

D054376 L.N. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner L.N. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE
February 5, 2009 (Continued)

D054309 Schwilk v. Superior Court of San Diego County/Yoon
The petition is denied.

D054269 In re Hasan on Habeas Corpus
The petition is denied.

D054225 In re Martinez on Habeas Corpus
The petition is denied.

D054135 Boone v. Workers' Compensation Appeals Board and Road Builders, Inc.
The petition is denied.

**D053998 Somo et al. v. Superior Court of San Diego County/Dixie College Foundation
et al.**
The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE
February 6, 2009

D052696 Carter v. Baldwin et al.

The request for publication is denied.

D052050 People v. Barboza

The judgment is modified by striking the \$600 restitution fine, leaving in force the \$200 restitution fine originally imposed pursuant to section 1202.4, subdivision (b), and reducing the suspended parole revocation fine to \$200. The trial court shall enter an amended abstract of judgment reflecting these changes and forward a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed. Irion, J.; We Concur: Nares, Acting P.J., Haller, J.

D053691 People v. Desiderio

The judgment is affirmed. Haller, J.; We Concur: McConnell, P.J., Aaron, J.

D052740 In re Young on Habeas Corpus

D053003 People v. Young

(Consolidated)

The judgment is affirmed. The petition is denied. Irion, J.; We Concur: McConnell, P.J., Benke, J.

D053758 In re Angel S., a Juvenile

The appeal is dismissed. McIntyre, J.; We Concur: McDonald, Acting P.J., O'Rourke, J.

D051299 Burgos v. Wheeler et al.

The January 12, 2007, order imposing \$15,611.50 in sanctions is reversed. In all other respects, the judgment is affirmed. The matter is remanded to the trial court with directions that it enter an amended judgment reflecting the omission of those sanctions. The parties are to bear their own costs on appeal. McDonald, J.; We Concur: McConnell, P.J., McIntyre, J.

D051853 Czar et al. v. Kern et al.

The judgment is affirmed. Appellants are to bear costs on appeal. Aaron, J.; We Concur: McDonald, Acting P.J., Irion, J.

D054417 In re Pogue on Habeas Corpus

The petition is denied as repetitive.

D054258 In re Ortega on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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February 6, 2009 (Continued)

D054519 In re Villarruel on Habeas Corpus

The petition is denied.

D052468 Chisley et al. v. Barona Band of Mission Indians

The request for publication of the opinion is denied.